

REMARKS

Claims 1-19 are pending. By this Amendment, the Abstract is replaced with an amended Abstract, and claims 1-9, 11 and 14-19 are amended.

Applicants note that a Preliminary Amendment amending claims 1-15 and adding new claims 16-19 was filed on August 28, 2003. A copy is attached for the Examiner's convenience.

I. The Drawings Satisfy All Formal Requirements

The Office Action objects to the drawings. The claims are amended to obviate this objection.

II. The Claims Satisfy All Formal Requirements

The Office Action objects to claims 3 and 11. Claims 3 and 11 are amended to obviate this objection.

III. The Claims Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 4 and 6-13 under 35 U.S.C. §112, second paragraph. Claims 4, 6, 7, 8 and 11 are amended to obviate this rejection.

IV. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-3, 6 and 15 under 35 U.S.C. §102(b) over U.S. Patent No. 5,203,596 to Stevens. This rejection is respectfully traversed.

Stevens discloses a lock assembly for a sliding panel-type window which is intended to be **mounted on** the end of the sliding panel component of the window, and which includes a pivotally mounted lever with a bent over extremity, and which may be turned manually when the window is closed to cause the extremity of the lever to be received in a hole of the frame of the window. The lever serves to lock the sliding panel in a closed, or partially opened position, and it also serves to prevent the panel from being lifted up and out of the track in which it slides.

The locking device disclosed by Stevens **does not** disclose a base profile that is in the form of an H with an upper channel accommodating a pane and a lower channel slideably holding a support device that is fixed within the lower channel by means of a screw as in the invention of claim 1 (see Figure 9, No. 28).

The locking device disclosed by Stevens includes a lever with a locking element, which lever is retained rotatable between an unlock position and lock position in which the locking element engages a receptacle.

However the lever **does not** include a head-piece projecting along the longitudinal axis out of the base profile enabling engagement with the lower channel of the base profile of the second door element or a closing device provided therein.

The locking device of the invention of claim 1 is mounted hidden in the base profile and with the head-piece of the lever extending out of the base profile in order to allow engagement with the base profile of the second door element.

The Office Action rejects claims 1-9, 11, 13 and 15 under 35 U.S.C. §102(b) over U.S. Patent No. 6,155,616 to Akright. This rejection is respectfully traversed.

Akright discloses a locking mechanism and closure assembly including a housing, a latch rotatably mounted to the housing, a spring member for urging the latch from a first position toward a second position, and a control member mounted to the housing for selectively securing the latch against rotation from the first position toward the second position. The control member may be slidably mounted relative to the housing, and may selectively rotate the latch from the first position toward the second position upon failure of the spring member. The latch may be positionable in a third position between the first and second positions, and may have a recess for receiving a striker designed for holding the striker within the recess at some times and guiding the striker into or out of the recess at other times.

The locking device of Akright **does not** disclose a base profile that is in the form of an H with an upper channel accommodating a pane and a lower channel slideably holding a support device that is fixed within the lower channel by means of a screw as in the invention of claim 1 (see Figure 9, No. 28).

Further, the locking device disclosed by Akright does not include a lever with a head-piece projecting along the longitudinal axis out of the base profile enabling engagement with the lower channel of the base profile of the second door element or a closing device provided therein as in the invention of claim 1.

The Office Action rejects claims 1, 2, 5, 6, 7 and 13-15 under 35 U.S.C. §102(b) over GB 986,941 to Duncan. This rejection is respectfully traversed.

Duncan relates to a door stop for a pivotally mounted door that is rotatable but **laterally not moveable**.

The locking device of Duncan discloses a base profile that is in the form of an H with an upper channel accommodating a pane and a lower channel.

The locking device disclosed by Duncan **does not** include a support device that is slideably held in the lower channel of the first door element and that is fixed within the lower channel by means of a screw as in the invention of claim 1 (see Figure 9, No. 28).

The locking device disclosed by Duncan includes a shaft (pivot pin), by which a lever (pivoted bolt 20) with a locking element is retained rotatable between an unlock position and lock position in which the locking element engages a receptacle fixed on the floor.

The shaft (pivot pin) extends through the base profile. Hence, the lever cannot be moved and adjusted within the base profile.

The lever **does not** include a head-piece projecting along the longitudinal axis out of the base profile enabling engagement with the lower channel of the base profile of a second door element or a closing device provided therein as in the invention of claim 1.

Finally, the locking device disclosed by Duncan **does not** include an elastic element, that interacts between the support device and the lever and that detachably fixes the lever least in the unlock position as in the invention of claim 1. Instead, the lever shown in Duncan, is actuated by means of a rod 14 and a roller 17 that runs on a ramp 22 that is secured to the floor (see page 2, col. 1, lines 63-65) and is automatically moved between the lock and unlock position depending on the rotation angle of the door.

GB Patent No. 986,941 does therefore not disclose the locking device of the invention of amended independent claim 1.

The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Stevens in view of U.S. Patent No. 3,023,601 to Luikart, and under 35 U.S.C. §103(a) over Stevens in view of U.S. Patent No. 2,595,436 to Abdallah. These rejections are respectfully traversed.

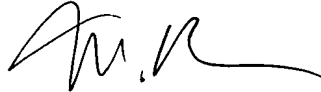
Claim 4 depends from independent claim 1, which as discussed above contains patentable subject matter. Thus, claim 4 also defines patentable subject matter.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Amended Abstract
Copy of Preliminary Amendment filed August 28, 2003

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